HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 493 (S/S) year 2003.

Bachhi Singh Nagarkoti S/o Sri Nain Singh
R/o Village and Post Gurna
Disst. Bageshwar.

Versus

1. Disst. Inspector of School Bageshwar
2. Disst of Education, State of Uttaranchal
3. Principal Uchha Madhyamik Vidhyalay Gurna, Kamsyra Disst Bageshwar.
4. Committee of Management Uchha Madhyamik Vidhayalay Gurna Kamsyra, Disst. Bageshwar

Approved for reporting.

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~~Not approved for reporting~~

Date of decision: 1-11-2003

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 493 (S/S) 2003

Court No. 6

Bachhi Singh Nagarkoti
S/o Late Nain Singh,
R/o Village & Post Gurna,
Disst. Bageshwar. …… Petitioner

Versus

1. District Inspector of School, Bageshwar.
2. Director of Education, State of Uttaranchal.
3. Principal, Uchha Madhyamik Vidyalaya (High School), Gurna, Kamsyra, Distt. Bageshwar.
4. Committee of Management, Uchha Madhyamik Vidyalaya (High School), Gurna, Kamsyra, Disst. Bageshwar.

…….. Respondents

Mr. Dinesh Chauhan, Advocate for the petitioner.
Standing Counsel for the respondent.

Date: 1st November 2003

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for issue of a writ, order or direction in the nature of mandamus directing the respondent to pay the petitioner retirement benefits as well as regular pension.

Brief facts giving rise to the present writ petition are that the petitioner was appointed as a Class IV employee on the post of Chowkidar in the school of respondent No. 3 and 4 on 16th September 1975. He was given regular appointment on 11th October 1979 by completing all the formalities.

The petitioner has already retired from the post of Chowkidar on 31st May 1990 after attaining the age of superannuation.

The grievance of the petitioner is that after retirement he approached the authorities, but his retirement benefits have not been paid to him. He is also not getting pension. Hence, he has filed the present writ petition.

Pension and gratuity are not bounty as held by the Apex Court in (1985) 1 SCC 429. The observations are quoted below:

> "Pension are gratuity are no longer any bounty to be distributed by the Government to their employees on their retirement but have becom, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with penalty of interest at the current market rate till actual payment."

The petitioner has stated that the respondents are ready to pay the entire pension and other retiral benefits. In view of the facts and circumstances, the respondents are directed to pay the pensionary and other retiral benefits to the petitioner. Since the respondents are paying the benefits, the petitioner therefore wants to withdraw the writ petition.

The writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

01.11.2003
Gur.